

# In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 16-0781V

Filed: October 5, 2016

UNPUBLISHED

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KATHRYN SCOTT-HLAVAC,	*	
	*	
Petitioner,	*	Ruling on Entitlement; Concession;
V.	*	Pneumococcal Conjugate Vaccine
	*	("PCV 13"); Shoulder Injury Related to
SECRETARY OF HEALTH	*	Vaccine Administration ("SIRVA");
AND HUMAN SERVICES,	*	Special Processing Unit ("SPU")
	*	
Respondent.	*	
	*	

\* \* \* \* \*

*Amber Diane Wilson, Maglio Christopher & Toale, PA, Washington, DC, for petitioner.  
Claudia Barnes Gangi, U.S. Department of Justice, Washington, DC, for respondent.*

## RULING ON ENTITLEMENT<sup>1</sup>

**Dorsey**, Chief Special Master:

On June 30, 2016, Kathryn Scott-Hlavac ("petitioner") filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*,<sup>2</sup> (the "Vaccine Act"). Petitioner alleges that she suffered shoulder pain as a result of a pneumococcal conjugate vaccine 13 ("PCV 13") administered on May 30, 2014. Petition at 1. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On October 5, 2016, respondent filed her Rule 4(c) report in which she concedes that petitioner is entitled to compensation in this case. Respondent's Rule 4(c) Report at 1. Specifically, respondent states that petitioner's alleged injury is consistent with a shoulder injury related to vaccine administration ("SIRVA") and was caused-in-fact by the administration of the PCV 13 vaccine. *Id.* at 1, 3. Respondent further agrees that

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<sup>1</sup> Because this unpublished ruling contains a reasoned explanation for the action in this case, the undersigned intends to post it on the United States Court of Federal Claims' website, in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services). In accordance with Vaccine Rule 18(b), petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, the undersigned agrees that the identified material fits within this definition, the undersigned will redact such material from public access.

<sup>2</sup> National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all "§" references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

there were no other causes identified for petitioner's SIRVA and that she suffered the sequela of her injuries for more than six months. *Id.* at 3-4.

**In view of respondent's concession and the evidence before me, the undersigned finds that petitioner is entitled to compensation.**

**IT IS SO ORDERED.**

**S/Nora Beth Dorsey**

Nora Beth Dorsey

Chief Special Master